



**CITY OF MORGAN HILL  
COUNCIL CHAMBERS**

17555 PEAK AVENUE   MORGAN HILL   CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, MARCH 20, 2002**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL & REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

*A Special Meeting Is Called at 6:30 p.m. for the Purpose of  
Conducting a Closed Session.*

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**Dennis Kennedy, Mayor/Chairman**

**6:30 P.M.**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(Deputy City Clerk/ Deputy Agency Secretary Malone)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(Deputy City Clerk/ Deputy Agency Secretary Malone)

## ***City Council and Redevelopment Agency Action***

### **CLOSED SESSIONS:**

#### **1.**

##### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 4

#### **2.**

##### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

##### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: USDC Northern California No. C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

#### **3.**

##### **CONFERENCE WITH LABOR NEGOTIATOR**

Authority: Government Code Section 54957.6

Agency Negotiators: City Manager; Human Resources Director; City Attorney

Employee Organization: Unrepresented Management Employees

Chief of Police

Director of Business Assistance & Housing Services

Director of Community Development

Director of Finance

Director of Public Works/City Engineer

Human Resources Director

Assistant to the City Manager

Council Services and Records Manager

Recreation Manager

Middle Management - Group 1-B

Police Captain

Deputy Director of Public Works

Deputy City Attorney

Deputy Director of Finance

Chief Building Official

Human Resources Supervisor

Planning Manager

Senior Civil Engineer

Budget Manager

Business Assistance and Housing Services Manager

Police Support Services Supervisor

Senior Planner

Utility Systems Manager  
Recreation Supervisor  
Secretary to the City Manager  
Project Manager

Confidential Non-Exempt Employees - Group 1 -C  
Administrative Analyst  
Legal Secretary  
Accounting Technician  
Human Resources Assistant

**4.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)  
Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.  
Case No: C 01-20976 PVT, United States District Court, Northern District of California  
Attendees: City Council, City Manager, City Attorney

**5.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)  
Name of Cases (3) : Santa Teresa Citizen Action Group et al. v. Environmental Appeals Board of the United States EPA;  
Santa Teresa Citizens Action Group et al. v. California Energy Commission; Santa Teresa Citizens Action Group et al.  
v. California Energy Commission;  
Case No/Court (3) : Ninth Circuit Court of Appeals, No. 01-71611; Sacramento County Superior Court Civil No. 01  
CS 01830; California Supreme Court Case No. S 103019  
Attendees: City Manager, City Attorney

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATION**

Police Officer Recognition  
Eric Mosunic  
Gary Smith

**CITY COUNCIL REPORT**

Mayor Kennedy

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE DEPUTY CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY  
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

***City Council Action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #13 and Agenda Items #14 and #15 may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

- 1) **FEBRUARY 2002 FINANCE AND INVESTMENT REPORT** ..... 1  
**Recommended Action(s):** Accept and File Report.
  
- 2) **CITY OF MORGAN HILL'S COMMUNITY DEVELOPMENT DEPARTMENT'S REQUEST FOR  
ISSUANCE OF SUBPOENAS FOR WITNESSES AT THE APPEAL OF THE CODE ENFORCEMENT  
ACTION - 825 LLAGAS ROAD NUISANCE ABATEMENT** ..... 27  
**Recommended Action(s):** That the City Council Issue Subpoenas to the Following Witnesses to Appear  
and Testify at the Appeal of the Code Enforcement Action Regarding 825 Llagas Road on April 9, 2002:  
(a) John Condrón (b) Jeanne Condrón (c) William McClintock (d) Michael Davis and (e) Peter Anderson.
  
- 3) **AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF STEPHAN C. VOLKER** ..... 29  
**Recommended Action(s):**  
1. Authorize the City Manager to Execute an Amendment to Agreement with the Law Firm of  
Stephen C. Volker; and  
2. Appropriate \$25,000 From the General Fund to the City Attorney's Budget.
  
- 4) **AGREEMENT WITH STROMBOTNE LAW FIRM** ..... 53  
**Recommended Action(s):** Authorize the City Manager to Execute Consultant Agreement with the Strombotne  
Law Firm.
  
- 5) **COMMUNITY AND CULTURAL CENTER PROJECT FEBRUARY CONSTRUCTION PROGRESS  
REPORT** ..... 63  
**Recommended Action(s):** Information only.

6)	<b><u>REJECTION OF BIDS FOR POLYBUTYLENE WATER SERVICE REPLACEMENT PROJECT, PHASE IV</u></b> .....	71
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Reject</u></b> All Bids Received on March 7, 2002, for the Replacement of Polybutylene Water Services; and	
	2. <b><u>Authorize</u></b> Staff to Rebid the Project.	
7)	<b><u>GENERAL CONTRACTOR QUALIFICATION PROCESS FOR CAPITAL IMPROVEMENT PROJECTS (BUILDINGS)</u></b> .....	73
	<b><u>Recommended Action(s):</u></b> <b><u>Information</u></b> only.	
8)	<b><u>MITIGATED NEGATIVE DECLARATION FOR THE EDMUNDSON RESERVOIR</u></b> .....	75
	<b><u>Recommended Action(s):</u></b> <b><u>Approve</u></b> the Mitigated Negative Declaration for the Construction of Edmundson Reservoir.	
9)	<b><u>REJECTION OF BIDS FOR THE MAIN AVENUE WELL DRILLING PROJECT</u></b> .....	83
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Reject</u></b> All Bids Received on February 21, 2002, for Construction of the Main Avenue Well Drilling Project; and	
	2. <b><u>Authorize</u></b> Staff to Rebid the Project.	
10)	<b><u>PURCHASE OF PUBLIC WORKS VEHICLES</u></b> .....	85
	<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> Vehicle Purchases Through the State of California General Services Procurement Process for the Vehicles Identified in Report for a Total Cost of \$45,000.	
11)	<b><u>DEVELOPMENT PROCESSING SERVICES STUDY</u></b> .....	89
	<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the City Manager to Execute a Contract with MAXIMUS, Inc. For an Amount Not to Exceed \$50,000, Subject to City Attorney Approval, for the Purpose of Studying the City's Development Processing Services.	
12)	<b><u>CONTRACT FOR CONSULTANT PLANNING SERVICES</u></b> .....	97
	<b><u>Recommended Action(s):</u></b> <b><u>Authorize</u></b> the City Manager to Execute a Consultant Services Agreement for Contract Planning Services at a Cost Not to Exceed \$60,000.	
13)	<b><u>APPROVAL OF CONTRACT FOR ZONING AND SUBDIVISION ORDINANCE UPDATE CONSULTANT SERVICES</u></b> .....	105
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Appropriate</u></b> \$22,750 From the Unappropriated Fund Balance from the Community Development Fund for the Zoning and Subdivision Ordinance Update.	
	2. <b><u>Authorize</u></b> the City Manager to Execute a Contract in the Amount of \$80,500, Subject to City Attorney Approval, for Contract Consultant Services.	

## ***City Council & Redevelopment Agency Action***

Time Estimate

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Consent Calendar: 1 - 10 Minutes

14)	<b><u>APPROVAL OF JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY MEETING AND SPECIAL CITY COUNCIL MEETING MINUTES FOR FEBRUARY 27, 2002</u></b> .....	117
15)	<b><u>APPROVAL OF JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR MARCH 6, 2002</u></b> .....	149

## ***City Council Action***

### **PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
16)	5 Minutes	<b><u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ALLOCATION (FY 2002-2003)</u></b> .....	179
		<b><u>Recommended Action(s):</u></b> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action - <b><u>Continue</u></b> Public Hearing to April 3, 2002.	

## ***Redevelopment Agency Action***

### **OTHER BUSINESS**

	<b>Time Estimate</b>		<b>Page</b>
17)	20 Minutes	<b><u>COMMUNITY PLAYHOUSE FINAL DESIGN AND REQUEST FOR BID AUTHORIZATION</u></b> .....	181
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Approve</u></b> the Final Design for the Community Playhouse; 2. <b><u>Approve</u></b> the Final Estimated Budget; 3. <b><u>Appropriate</u></b> an Additional \$193,000 From the Redevelopment Agency's Fund 317; and 4. <b><u>Authorize</u></b> Staff to Solicit Bids for Construction.	

## ***City Council Action***

### **OTHER BUSINESS**

	<b>Time Estimate</b>		<b>Page</b>
18)	10 Minutes	<b><u>PROCESS FOR APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS</u></b> .....	187
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Direct</u></b> Staff Regarding the Process for Appointments by Either Full Council or Council Subcommittee(s); and 2. <b><u>Authorize</u></b> the City Clerk to Recruit to Fill Planning Commission Vacancy.	

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**